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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,798	07/24/2000	Paul C Coffin	10001664-1	6517

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EXAMINER

WATKO, JULIE ANNE

ART UNIT PAPER NUMBER

2652

DATE MAILED: 01/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/624,798

Applicant(s)

COFFIN ET AL.

Examiner

Julie Anne Watko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 4, 11 and 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 11 each recite the limitation "a half-width cartridge read/write device" in line 3. Claims 4 and 13 each recite the limitation "a full-width cartridge read/write device" in line 2.

The terms "half-width" and "full-width" render the claim indefinite. Standards change over time; therefore, a person of ordinary skill in the art would not be reasonably apprised of the metes and bounds of the claims at any given time.

Claim 14 recites the limitation "said frame" in line 13. There is insufficient antecedent basis for this limitation in the claims. The Examiner suggests -- said frame means --.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3, 10, 12, 14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kersey et al (US Pat. No. 5870245).

As recited in independent claim 1, a reconfigurable cartridge processing module 10 for use in a data storage system, comprising: a frame 60 having a plurality of sets of mounting locations provided thereon so that said frame defines a first component configuration and a second component configuration, the first component configuration (see Fig. 4b) comprising: a first cartridge receiving device 62 mounted to a first set of the plurality of sets of mounting locations provided on said frame so that said first cartridge receiving device is located at a first position within said frame; and a second cartridge receiving device 74 mounted to a second set of the plurality of sets of mounting locations provided on said frame so that said second cartridge receiving device is located at a second position within said frame; the second component configuration (see Fig. 4a) comprising a third cartridge receiving device 62 mounted to a third set of the plurality of sets of mounting locations provided on said frame.

As recited in claims 3, 12 and 18, Kersey et al show that said second cartridge receiving device comprises a cartridge storage magazine 74 means for storing said at least one data cartridge 77.

As recited in independent claim 10, in addition to the above teaching, Kersey et al show the second position being located adjacent the first position so that said second cartridge receiving device is located alongside (see Fig. 4b, rotated) said first cartridge receiving device.

As recited in independent claim 14, Kersey et al show a reconfigurable cartridge processing module for use in a data storage system, comprising: frame means 60 for defining a first component configuration (see Fig. 4b) and a second component configuration (see Fig. 4a), the first component configuration comprising: first cartridge receiving means 62 mounted to said frame means for receiving at least one data cartridge; and second cartridge receiving means 74 mounted to said frame means for receiving said at least one data cartridge; the second component configuration comprising third cartridge receiving means 62 mounted to said frame for receiving said at least one data cartridge 77.

As recited in claim 17, Kersey et al show that said first cartridge receiving means comprises cartridge read/write means 62 for reading data from and writing data to said at least one data cartridge.

As recited in claim 19, Kersey et al show that said third cartridge receiving means comprises cartridge read/write means 62 for reading data from and writing data to said at least one data cartridge.

As recited in claim 20, Kersey et al show a method, comprising: providing a frame 60 having a plurality of sets of mounting locations thereon; defining a first component configuration (see Fig. 4b) by mounting a first cartridge receiving device 62 to a first set of the plurality of sets of mounting locations provided on said frame and by mounting a second cartridge receiving device 74 to a second set of the plurality of sets of mounting locations provided on said frame so

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that the second cartridge receiving device is located adjacent the first cartridge receiving device; or, in the alternative, defining a second component configuration (see Fig. 4a) by mounting a third cartridge receiving device 62 to a third set of the plurality of sets of mounting locations provided on said frame 60.

5. Claims 1, 5-10 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (US Pat. No. 5995477).

As recited in claim 1, Smith et al show a reconfigurable (see col. 5, lines 14-16) cartridge processing module for use in a data storage system, comprising: a frame (including 500, 402 and 600) having a plurality of sets of mounting locations (430 at 414, 416 and 418) provided thereon so that said frame defines a first component configuration and a second component configuration (inherent), the first component configuration comprising: a first cartridge receiving device 300 mounted to a first set (430 at 414, for example) of the plurality of sets of mounting locations provided on said frame so that said first cartridge receiving device is located at a first position 414 within said frame; and a second cartridge receiving device 300 mounted to a second set (430 at 416, for example) of the plurality of sets of mounting locations provided on said frame so that said second cartridge receiving device is located at a second position 416 within said frame; the second component configuration comprising a third cartridge receiving device 300 mounted to a third set (430 at 418, for example) of the plurality of sets of mounting locations provided on said frame.

As recited in claim 5, Smith et al show that the second position 416 is located adjacent the first position 414 so that said second cartridge receiving device 300 is located adjacent said first cartridge receiving device 300 when said frame is in the first component configuration.

As recited in claim 6, Smith et al show that the second position 416 is located alongside the first position 414 so that said second cartridge receiving device 300 is located alongside said first cartridge receiving device 300 when said frame is in the first component configuration.

As recited in claim 7, Smith et al show that said frame comprises a lower plate 402 and an upper plate 600, the lower plate and the upper plate being positioned in generally parallel, spaced-apart relation, and wherein the plurality of sets of mounting locations are provided on the lower and upper plates of said frame (see Figs. 4 and 6).

As recited in claim 8, Smith et al show that said first and second cartridge receiving devices 300 are located substantially between the upper 600 and lower 402 plates of said frame when said frame is in the first component configuration.

As recited in claim 9, Smith et al show that said third cartridge receiving device 300 is located substantially between the upper 600 and lower 402 plates of said frame when said frame is in the second component configuration.

As recited in claim 10, in addition to the above teaching, Smith et al show the second position 416 being located adjacent the first position 414 so that said second cartridge receiving device 300 is located alongside said first cartridge receiving device 300.

As recited in claim 14, Smith et al show a reconfigurable cartridge processing module for use in a data storage system, comprising: frame means (including 402, 500 and 600) for defining a first component configuration and a second component configuration (inherent), the first component configuration comprising: first cartridge receiving means 300 mounted to said frame means (at 414) for receiving at least one data cartridge; and second cartridge receiving means 300 mounted to said frame means (at 416) for receiving said at least one data cartridge; the

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second component configuration comprising third cartridge receiving means 300 mounted to said frame (at 418) for receiving said at least one data cartridge.

As recited in claim 15, Smith et al show that said second cartridge receiving means (300 at 416) is mounted adjacent said first cartridge receiving means (300 at 414) when said frame means is in the first component configuration.

As recited in claim 16, Smith et al show that said second cartridge receiving means (300 at 416) is mounted alongside said first cartridge receiving means (300 at 414) when said frame means is in the first component configuration.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kersey et al (US Pat. No. 5870245).

Kersey et al show a module as described above for claims 1, 3, 10, 12, 14 and 17-20.

As recited in claims 2 and 11, Kersey et al are silent as to whether said first cartridge receiving device comprises a half-width cartridge read/write device. As recited in claims 4 and 13, Kersey et al do are silent as to whether said third cartridge receiving device comprises a full-width cartridge read/write device.



Official notice is taken of the fact that it is notoriously old and well known in the drive art to routinely modify a drive structure in the course of routine optimization/ experimentation and thereby obtain various standard optimized relationships including those set forth in claims 2, 4, 11 and 13.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have had the drive of Kersey et al satisfy the relationships set forth in claims 2, 4, 11 and 13. The rationale is as follows: one of ordinary skill in the art would have been motivated to have had the drive of Kersey et al satisfy the relationships set forth in claims 2, 4, 11 and 13 since it is notoriously old and well known in the drive art to routinely modify a drive structure in the course of routine optimization /experimentation and thereby obtain various standard optimized relationships including those set forth in claims 2, 4, 11 and 13. Moreover, absent a showing of criticality (i.e., unobvious or unexpected results), the relationships set forth in claims 2, 4, 11 and 13 are considered to be within the level of ordinary skill in the art.

Additionally, the law is replete with cases in which when the mere difference between the claimed invention and the prior art is some range, variable or other dimensional limitation within the claims, patentability cannot be found.

Moreover, the instant disclosure does not set forth evidence ascribing unexpected results due to the claimed dimensions. See *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338 (Fed. Cir. 1984), which held that the dimensional limitations failed to point out a feature which performed and operated any differently from the prior art.

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*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Menke (US Pat. No. 5228016) shows a disc player with disc storage magazines alongside one another. Inoue (US Pat. No. 6034928) shows a library apparatus comprising disc storage magazines alongside one another. Pitz et al (US Pat. No. 6240058) show a disk-changing unit wherein "the disk magazine (13), the disk drive (14) and the disk-loading/ejecting drawer (12) have the same external dimensions and are modulatively fitted next to each other by being pushed in or pulled out of corresponding recesses (10) and can thus be interchanged" (see abstract; see also col. 1, line 40-col. 2, line 52). Lwee (US Pat. No. 5299089) shows a connector device having two storage decks for one hard disk drive or two memory cards.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (703) 305-7742. The examiner can normally be reached on Mon-Thurs 10:30-8 and alternate Fri 9:30-6.

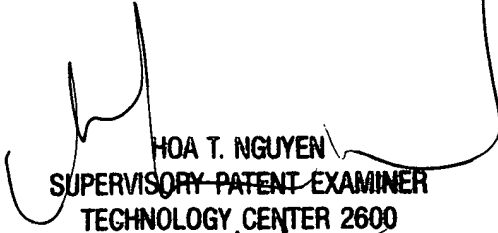
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 305-7201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



JAW

January 24, 2002



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